App. F. IX-4

Previous References

1935-36 (Fuz)

Fuz File No. 225-35

Serial Nos. 142-

Letter References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for April 36

SUBJECT.

Appeal petition of Ramachandriah for refund of the deposit given in connection with the lease sale of 2 cocoanut topes in Devanahalli

No 1369 of 28.8.86

To

WD 03607—GPB—22,500—2-8-35

Mr. H. Ramachandriah
Sodi Arasakalli
Devanahalli
Inform that order already issued by the Govt Courts cannot be interfered

Serial No.

Letter No Apls 33/34-35 dt 7-11-35 from the Mzg sri Commissioner forwarding records relating to the appeal filed by Mr. M. Rama Chandraiah re: the refund of purchase money in respect of the lease sale of lands endowed to Sri Veeraraghava Swami temple at Devanahalli

(1) The M.C. has referred the case here as he had framed issues on the basis of D.C. Bangalore's —

(2) It is held for orders if the M.C. may be asked to fix the case for hearing on the facts for and against the petitioner.

This cannot be done as the Lawyers are free to take objection to such a procedure being adopted. All the cases may be noted upon standard form for orders. We have stated our opinion in the case of Mr. Ramaiah, Mr. G. Subba Rao, dt 19/11/35

The petitioner Ramaiah, one of the landholders of Avadeenhalli filed an appeal before the M.C. on 4-5-35 against the order of the D.C. Bangalore in respect of his claim for a refund of Rs 217-

P.U.-B

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

given by him as purchase money in respect of the Panchasalgrama of lands endowed to Sri Gopalaswami temple at Devanahalli Year 1911-19 - The lease sale of the lands was subsequently Cancelled, but the purchase money remained, without being refunded to the Pet[itioner] on account of certain objections raised by the Archak of the temple - In respect of this sum of Rs 2107 - paid by him per[sonally] The Amildar has in para 2 & 3 of his report of 24.1.21 (x) stated as follows :—

(2) x x x x Ramachandraiya is entitled to a refund of the sale amount of Rs 2107 — He has been giving a number of petitions for along time for the refund of the said amount.

3) In this Connection I submit that Ramachandraiya has much Jodi arrears shown against him in the accounts which he has agreed to adjust personally - He has no objection to have the above amount of Rs 2107 - adjusted towards these Jodi arrears. I therefore recommend that this amount may be drawn and adjusted towards the Arabesahalli Jodi arrears

x C

A.

Serial No.

for which he is responsible as per accounts furnished by him & for whose accuracy he has vouched — M.S.D.O. accepted the Amildar's recommendation and ordered on

C 28-2-27 that a sum of Rs 2167 maybe drawn conditionally towards the arrears of Jodi due by Ramachandraiya —

The amount appears to have been transferred to L.R. Head as follows: —

ಈ ಮೊತ್ತವು ಭೂಕಂದಾಯ L.R. ಹೆಡ್‌ಗೆ ಅಂತಿಮವಾಗಿ ಜಮಾ ಮಾಡಲು Transfer ಮಾಡಿದೆ ಎಂಬುದಾಗಿ - ಮತ್ತು ಈ ಬಗ್ಗೆ ಯಾವ ಪತ್ರವೂ ಇಲ್ಲವೆಂದು ತಿಳಿಸಿದೆ ಆದ್ದರಿಂದ ಈ ಮೊತ್ತವನ್ನು 27-6-27

Transferred to L.R. No 34/14.6.29

The amildar has failed to take a Statement from the Patwaris as ab^e 'A' reported by him. In fact the records received do not contain any such agreement. Later on the Patwaris son in March 1933 petitioned the D.C. that there were no Jodi arrears due by his father at any time & that the amount in deposit could be refunded — On an investigation [illegible]

W has reported on 25/1/34 as follows: —

× × × ×

NOTE.—Contn. Sheet.

WD 03594—GPB—80,000—13-7-35

Ramachandraiya's claim a
refund of purchase money in respect
of Venugopalaswami Devasthanam land —
the lease upon

Mdrs File No. of 193 . General and Revenue Secretariat 18-15

From a report of the then Amildar of 20.1.27
it may be seen that Mr Ramachandraiya
himself was agreeable to such an adjustment.
(The sum of Rs 210/- being adjusted towards the arrears
of jodi due from him in respect of Jodi
Avadesahalli Village) — In the face of
this report his subsequent representations
that he is no defaulter & that the amount
should be refunded to him cannot be accepted.
Hence as recommended by the Amildar a
Clear Endorsement will be issued to Mr
Ramachandraiya — This report
was accepted by the D.C. It is against
this only an appeal lay before the
M.C. which was at first rejected
as time barred but later admitted
& records called for to examine
the prayer on merits — It is
open to the petr by furnishing Certified
extracts of accounts that he was not
in arrears in respect of his Vrittis
in Jodi Avadesahalli on the month
of January 1927 ie the date of the
Amildar's report — Read for orders. xC.
The appeal may be posted for a
hearing if approved.

GS 19/2 20/2

Is this an appeal under
appeals passed under
the Manuals?

5) 20/2

Serial No.

6. It is respectfully stated that the Subordinate officers in the Lower Courts do not invariably state the reasons of the Magistrate Rejecting bids on which their orders are passed in the respective cases. Nor do they enquire upon the parties or the counsels if any engaged by them to furnish this information in their respective appeal petitions. If Appd, the M.C. will be asked to take necessary action in the matter.

7. The present case is one of bids on the Inam lands of Sri Venugopala Swamy temple at Devanahalli for Panchasal grain from the years 1918-19 & a refund of Rs 210/- deposited by the bidder — the present appeal petitioner. The Amildar as many officers who conducted the lease of the lands for Rs 210/—; Sri Ramachandrappa, the present petitioner was the highest bidder in the auction sale & as per rules he immediately deposited 1/4 of the sale amount viz Rs 52/8 on 28/6/18. The lease sale was not later approved by the S.D.O. as the sale was conducted on the very day on which the Asst. S. Under

NOTE.—Contn. Sheet.

WD 03691—GPB—30,000—18-7-35

X. Sri. G.S.

When an Asst. secretary or higher officers puts a question, you should merely answer the question. How are proceeding your orders when you note upon matters.

loan issued —

8. Under Sec^{n} 41 (1) of the Mysore Religious & Charitable Insts^{ns} Reg^{n} — V-11 of 1927), the asst. Commissioners have been empowered to sanction the leases of Inam lands of Mug. Insts^{ns} ordinarily for 5 yrs. It is in respect of such a lease sale of lands the pet^{r} has deposited the sum of Rs 210/- which he now claims

9. The Fish members' orders in Mug appl^{n} No 2 of 35-36 re taking Satair with the deity of Sri Gunja-Narasimha Swami as T. A. and from during the annual Bhakti Mahotsavam at the Mane are: —

= Such cases need not be treated as regular appeals in future as they do not come under the scope of the appeal section in Mug. Regulation but being orders by the M.C. under the Mug. Regulation".

10. In view of this, the M.C. himself will be asked to say

* Please see note at the foot of the previous page.

Serial No.

A

whether the petn of Ramachandraiya falls within the scope of the appeal secn as amended by Regn no VII of 1935 in the mzy Regn? 2 whether ch 3 against the orders of a mzy rai Officer passed under the said Regulation the present appeal has been forwarded for disposal — Rules 3 refce to para 5 supra —

GS 1393 11. As regards the suggestion made in para 6 of the notes, people living in rural areas who do not know English cannot be expected to be able to deal with legal question. It is always easy for Govt. to decide whether a particular case is an appeal or no. In case of doubt the petitioner may be asked to produce a copy of the order appealed against. If the petitioner appeals against the order of the mzyni Coms. or the Dy. Coms, Govt. will feel no difficulty in finding out whether an case is an appeal or not. This is an appeal against the orders of the Dy. Coms., Bangalore Dt. to the mzyni Coms., before whom the was preferred passed orders in the case as

Z

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

Appeal petn of Ramachandraiya —
for a refund of the deposit given in connection
with the lease sale of land — Veeresh Palaswami
Talati
Mcz File No. of 193 General and Revenue Secretariat

Dy. Comr., Bangalore dt., he has submitted the appeal to Govt. for disposal. P. 21.30

12. If however Govt. feel a doubt as suggested in para 10 of the notes, the Asst. Secretary, Law Section, or the Govt. Advocate may be consulted, as their opinion on legal questions is of value than that of the Dy. Comr. Further it is usual for Govt. to consult their legal advisers or legal experts in cases where legal questions are involved.

13-3-36

13) The facts of the case are explained at para 4 of the notes supra on pages 1 to 4. The sum of Rs 210/- claimed to be refunded by the appellant has, on the report of the Amildar, been credited to Land Revenue towards arrears of Jodi due by the applicant for Ardeshanahalli Village - (Vide Kannada extract on page 3 of the notes) As such there could be no question of refund of the amount to the appellant in this case. If there has been double recovery it is in the Amildar's opinion. He may if he wishes claim refund there. The appellant may be told. That first he has no reason to interfere with the orders passed by the lower Courts & that the appeal is dismissed. This is not a case which requires to be treated as a regular appeal & heard.

OFFICE OF THE FIRST ASSISTANT TO THE 14 MAR. 1936 6681

13 MAR 4.09

13/3/36

Agreed 14/3/36

Gen. Secy. First Member

14) Agreed 19/3/36

Mug Gaz Appl No 15 of 1935-36.

General and Revenue Secretariat — File No. 225 of 1935. — [App F. III—2

Serial No.	
	15 Petitioner and Dfts as above GJ 28/3 2573 16) GL 25/3
12	No 1349 dy 28/3/36 to the M. Ramachandraiya & Co Tadepalli Guntur Taluk intimating that his appeal is dismissed No 1350 dy 28/3/36 to the Mag & Commissioner forwarding for his information Copy of the above & returning the records received from him on the subject.

TYPING * 26. MAR 1936 GENL & Rc

B 4.4.36

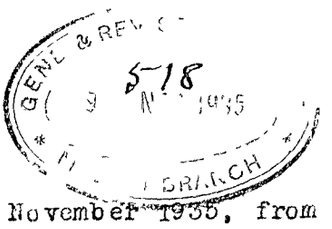
7/4

NOTE—Contn Sheet

WD 03594—GPB—30,000—13 7 35

File No. of 193

General and Revenue Secretariat



Letter App.33/34-35, dated 6/7th November 1935, from the Muzrai Commissioner in Mysore, to the General Secretary to Government.

I have the Honor to forward herewith the marginally

App. 37/33-34.)
App. 3/34-35. (appeals together with the connected records
App. 15/32-33.)
App. 33/34-35. (

and to request that as orders appealed against in these cases were passed by me as Deputy Commissioner, they may be arranged to be disposed of by Government.

C O P Y.

3092.

MPSW.

Submitted

The petition relates to ~~the~~ certain Vritti lands belonging to Venugopalaswamy temple of Aradeshihalli Village in Devanhalli taluk.

This may perhaps be transferred to the Muzrai Secretariat for necessary action

6/2/36

To the Muzrai Branch for favour of necessary action.

Sd. G. S.

LIBRARY
875
FEB.
MUZEUM BRANCH
SECRET
3092.

INCOMING PAPER
12 JAN. 19
MPSW.

ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಸಾರ್ವಜನಿಕ ಕಾರ್ಯಗಳ ಇಲಾಖೆ

ಮಹಾರಾಜರವರಲ್ಲಿ ಸೈನ್ಯಕ್ಕೆ ಸೇರಿದ ಪ್ರಾಂತ್ಯಗಳ ಬಗ್ಗೆ ಸಲಹೆ ಕೊಡುವ ಕಮಿಟಿಯ ವರದಿಯ ಬಗ್ಗೆ ಅಭಿಪ್ರಾಯ ತಿಳಿಸುವ ವಿಷಯವಾಗಿ —

ಈ ಇಲಾಖೆಯ ಸಂಖ್ಯೆ ಎ ಪಿ ಪಿ 3-34-35 ದಿನಾಂಕ 28-11-35 ರಲ್ಲಿ ಇರುವ ಪತ್ರಕ್ಕೆ ಉತ್ತರವಾಗಿ ಈ ಕೆಳಕಂಡ ಅಭಿಪ್ರಾಯವನ್ನು ತಿಳಿಸಲು ಆಜ್ಞೆಯಾಗಿದೆ —

ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಸೈನ್ಯಕ್ಕೆ ಸೇರಿದ ಪ್ರಾಂತ್ಯಗಳ ಬಗ್ಗೆ ಸಲಹೆ ಕೊಡುವ ಕಮಿಟಿಯ ವರದಿಯ ಬಗ್ಗೆ ಅಭಿಪ್ರಾಯ ತಿಳಿಸುವಂತೆ ಈ ಇಲಾಖೆಯವರು ಕೇಳಿರುವ ಪತ್ರಕ್ಕೆ ಉತ್ತರವಾಗಿ ಈ ಕೆಳಕಂಡ ಅಭಿಪ್ರಾಯವನ್ನು ತಿಳಿಸಲು ಆಜ್ಞೆಯಾಗಿದೆ —

ಈ ಕಮಿಟಿಯವರು ಸೈನ್ಯಕ್ಕೆ ಸೇರಿದ ಪ್ರಾಂತ್ಯಗಳ ಬಗ್ಗೆ ಸಲಹೆ ಕೊಡುವ

ದಿನಾಂಕ 21-1-36

ಅರ್ಜಿದಾರರ ಸಹಿ / ಹೆಬ್ಬೆಟ್ಟಿನ ಗುರುತು

Appendix F G—1]

SUBJECT .....

.....

.....

Section Mug

File No. 225—35

Serial No. 2

Diary No. of letter replied to .....

No. 1349

To

M. M Ramasaandraiya

Jodi Hradesahalli

Devanhalli Tk.

General and Revenue Secretariat

( )

the *193* .

Date of issue 28-3-36 .....

Signed by H. B. Reddy

Write reply to his petn by 25.7.36

Addressed him R.C. & Typed

by 21.1.36 submitted by you,

requesting a refund of the

money in respect of the lease ~~date~~

of the inam lands belonging

to Sri Venugopalaswami

temple at Devanhalli, he

M. Ramachandraiya

is informed that Government

no reason to interfere. 25/7

List of enclosures .....

Copied by .....

Examined by.....

W D 01956—GPB—22,590—12-6-34

13

the orders passed by the ~~Lower Court~~ lower Court and

~~Court~~ in the matter of Mathis

Appeal is dismissed.

B. O

2/25/3

Memo No 1300/Mag for Sentence

Copy of J. 225-38-52 of 28-3-38

to the M. C. returning Encl Records

records received with his letter

No A1071 33/34-35 of 7. 11. 35

Notice as it relates to appeal

3 of 34-35 on the file

of this Court.

B. O.

2/26/3

For (Sentence)